

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

ZACHAERY GREER,)
Plaintiff,)
v.)
WEXFORD HEALTH SERVICES INC.,)
N. RAJOLI Dr.,)
Defendants.)
No. 2:20-cv-00047-JPH-DLP

Order Screening Complaint and Directing Issuance and Service of Process

Indiana Department of Correction inmate Zachary Greer filed this 42 U.S.C. § 1983 action on January 23, 2020. He was granted *in forma pauperis* status and has paid the initial partial filing fee. The complaint is ready for screening.

I. Screening Standard

Because Mr. Greer is a prisoner, his complaint is subject to the screening requirements of 28 U.S.C. § 1915A(b). This statute directs that the court shall dismiss a complaint or any claim within a complaint which “(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.”

Id. To satisfy the notice-pleading standard of Rule 8 of the Federal Rules of Civil Procedure, a complaint must provide a “short and plain statement of the claim showing that the pleader is entitled to relief,” which is sufficient to provide the defendant with “fair notice” of the claim and its basis. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (per curiam) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and quoting Fed. R. Civ. P. 8(a)(2)); *see also Tamayo v. Blagojevich*, 526 F.3d 1074, 1081 (7th Cir. 2008) (same). The Court construes *pro se* pleadings

liberally and holds *pro se* pleadings to less stringent standards than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

II. Mr. Greer's Complaint

Mr. Greer alleges that on February 5, 2019, he injured his hand when he fell from a chair in his cell at the Wabash Valley Correctional Facility. He was seen in the medical unit shortly thereafter, but Dr. N. Rajoli refused to x-ray his hand. It was not until a correctional officer saw Mr. Greer's hand on February 25, 2019, and called the medical unit to examine Mr. Greer's hand that he finally obtained an x-ray. The x-ray revealed a broken hand which was only then placed in a cast. Mr. Greer had been in severe pain from the time of the injury until his hand was placed in a cast. Mr. Greer contends that Wexford Health Services, Inc., the prison's medical contractor and employer of Dr. Rajoli, maintains cost-savings policies that place lives in danger. He names both Dr. Rajoli and Wexford as defendants and seeks compensatory damages.

III. Analysis

An Eighth Amendment deliberate indifference to serious medical needs claim **shall proceed** against Dr. Rajoli as pled in the complaint. A policy, practice, or habit claim **shall proceed** against Wexford as pled in the complaint, construed as being brought pursuant to *Monell v. New York City Dep't of Soc. Servs.*, 436 U.S. 658 (1978). Any other claim not identified in this section of this Order is dismissed.

These are the only claims and defendants identified by the Court in the complaint. If Mr. Greer believes the Court has overlooked a claim and/or defendant, he shall have through **March 31, 2020**, in which to file a motion to reconsider identifying such claims and/or defendants.

IV. Issuance and Service of Process

The **clerk is directed** pursuant to Federal Rule of Civil Procedure 4(c)(3) to issue process to defendants Dr. N. Rajoli and Wexford Health Services, Inc., in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. 2, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

Finally, the **clerk is directed** to send a courtesy copy of this Order to attorney Douglass R. Bitner at the address shown in the distribution list below.

SO ORDERED.

Date: 3/12/2020

James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

Zachaery Greer
245382
Wabash Valley Correctional Facility - Inmate Mail/Parcels
Electronic Service Participant – Court Only

Dr. N. Rajoli
Medical Provider
Wabash Valley Correctional Facility
6908 S. Old U.S. Highway 41
Carlisle, IN 47838

Wexford Health Services, Inc.
c/o Corporate Service Company
125 North Pennsylvania St.
Indianapolis, IN 46204

Courtesy copy to:

Douglass R. Bitner
Katz Korin Cunningham PC
334 N. Senate Avenue
Indianapolis, IN 46204